

objection. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310 (4th Cir. 2005) stating that “in the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report and Recommendation and the record in this case, the court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. It further appears from the docket that the parties consent to the judgment being vacated. It is therefore

ORDERED that the judgment entered on December 11, 2008 is vacated, and the Clerk of Court shall enter a new judgment at this time in favor of the plaintiff.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
December 16, 2009